

REMARKS

This Amendment is filed in response to the Office Action mailed May 16, 2007. All objections and rejections are respectfully traversed.

Claims 1-33 are pending in the case.

Claims 1, 12 and 16 have been amended to correct informalities and to be more clear. Such amendments are not related to patentability.

Claims 25-33 have been added.

Objection to the Drawings

At paragraph 3 of the Office Action, Figs. 1-5 were objected to as lacking a label reading "Prior Art." The Applicant submits herewith amended versions of Figs. 1-3 and 5 including such a label.

In regards to Fig. 4, the Applicant respectfully traverses this objection and requests reconsideration. Fig. 4 does not simply show "what is old" as the Office Action alleges, but instead illustrates aspects of the Applicant's novel techniques. In particular, Fig. 4 includes a novel BGP Process 420, which, in some embodiments, implements at least some of the Applicant's claimed novel techniques. The Applicant respectfully directs the Examiner's attention to page 15, lines 3-9 which make clear that the BGP Process 420 is not a conventional one, stating:

A number of embodiments may be used to implement the inventive technique described herein. For example, a routing process (such as BGP process 420) may initiate session/adjacency connection establishment by instructing lower layers of the network protocol stack (e.g., TCP layer 504) to use a TTL of 255. If the connection/session is not established within a predetermined time (no response is received), the routing process is responsible for switching the TTL to normal mode (e.g., one) and re-initiating connection/session establishment

Thus, as Fig. 4 includes elements that are not conventional, the Applicant respectfully urges labeling Fig. 4 as “Prior Art” would be inappropriate.

Claim Rejections - 35 U.S.C. §102

At paragraphs 4-5 of the Office Action, claims 1, 2, 7, 8, 12, 13, 15, 16, 20 and 21 were rejected under 35 U.S.C. §102(e) over Chen, U.S. Patent No. 6,553,423 (hereinafter Chen).

The Applicant’s claim 1, representative in part of the other rejected claims, sets forth:

1. A method for allowing a router to efficiently determine a capability and configuration of a peer router in a computer network, the method comprising the steps of:

automatically determining which capability mode of operation the peer router supports by sending an initial message from the router to the peer router, the initial message including a first predetermined value of the capability;

if the router receives a positive acknowledgement of the initial message from the peer router, determining that the peer router supports exchanges of messages using a new capability mode of operation; and

if the router receives a negative acknowledgement of the initial message from the peer router, deciding that the peer router does not support the new capability mode of operation, and switching to an old capability mode of operation by ***resending the initial message with a second predetermined value of the capability***.

Chen discloses a “capabilities optional parameter” that may be used in a BGP Open message (Fig. 7) or in a BGP capabilities message (Fig. 8). The “capabilities optional parameter 700 comprises a 1-byte capability code field 702, a 1-byte capability length field 704, and a variable length capability value field 706.” *See* col. 5, lines 29-33. “[T]he capabilities optional parameter is used by a BGP speaker to convey to its BGP peer a list of capabilities supported by the speaker.” *See* col. 5, lines 39-41. If the capa-

bilities of the speaker change, the speaker may send another message to “replace a previously announced capability.” *See* col. 6, lines 51-52.

The Applicant respectfully urges that Chen does not teach or suggest the Applicant’s claimed “*if the router receives a negative acknowledgement of the initial message from the peer router... resending the initial message with a second predetermined value of the capability.*”

The Applicant novelly resends the initial message to the peer router with a second predetermined value of the capability, in response to receiving a negative acknowledgement **from the peer router**. That is, the resending is in response to what capability mode of operation is supported by the **peer router**, as indicated the acknowledgement. In contrast, Chen does not resend a message with a different value in a capabilities parameter in response to what is supported by a peer device. Chen’s capabilities parameter reflects the capabilities **supported by the sender**. The Applicant respectfully directs the examiner’s attention to col. 5, lines 39-41 of Chen which state “the capabilities optional parameter is used by a BGP speaker to convey to its BGP peer a list of capabilities supported by the speaker.” Thus if the capabilities of the speaker (i.e., the sender of the message) do not change, the list of capabilities would not change. Thus, Chen operates in a quite different manner than what the Applicant claims.

Accordingly, the Applicant respectfully urges that Chen is legally insufficient to anticipate the present claims under 35 U.S.C. §102 because of the absence of the Applicant’s claimed novel “*if the router receives a negative acknowledgement of the initial message from the peer router... resending the initial message with a second predetermined value of the capability.*”

Claim Rejections - 35 U.S.C. §103

At paragraphs 6-7 of the Office Action, claims 3-6, 9-11, 14, 18, 19 and 22-24 were rejected under 35 U.S.C. §103(a) over Chen in view an Internet Draft by Gill et al., title “The BGP TLL Security Hack (BTSH)” (hereinafter Gill).

The Applicant notes that claims 3-6, 9-11, 14, 18, 19 and 22-24 are dependent claims that depend from independent claims that are believed to be allowable. Accordingly these dependent claims are believed to be allowable at least for this reason, in addition to other independent reasons.

Should the Examiner believe a telephonic interview would be helpful in the disposition of this Application, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

In summary, all the independent claims are believed to be in condition for allowance and therefore all dependent claims that depend there from are believed to be in condition for allowance. The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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